Secrt. Old No. II-27, New No. II-15—75,000—31-1-56.

HELA (1956) Department.

MS **SERIES.**

G.O. No. 598 (EDN) @ 7/4/57

Class I Rupees

Dated 28.3.57

[Despatch Abstract.]

M, E.S.S — Sri. K.A. John, Offg temporary Demonstrator in Chemistry Govt Arts College, Mangalore - Regularisation of appt. Orders passed

From

K. A. John,
Officiating Temporary Demonstrator in Chemistry,
Government Arts College, Mangalore.

To

The Secretary to Government,
Health, Education & Local Administration Department.
Fort.St. George, Madras.

Through

The Proper Channel.

Sir,

Sub:- Madras Educational Subordinate Serviee - Demonstrator in Chemistry - John K.A.

I submit the following for the kind consideration of the benign Government.

I was entertained in Government service on 25-7-1950 as Demonstrator in Chemistry in the Madras Educational Subordinate Service on a regular basis by direct recruitment and was posted to Engineering College, Kakinada, as per the proceedings of the Deputy Director of Public Instruction (Personnel) Madras ROC. No. 1376-C3/50 dated 8-7-1950. Subsequently I was transferred to Presidency College, Madras vide the proceedings of the Director of Public Instruction, Madras ROC. No. 2517-C1/50 dated 27-7-1951 and then to Government Arts College, Madras vide proceedings of the Deputy Director of Public Instruction (Personnel) ROC.No.2517-C1/50 dated 26-9-1951. My probation in the category of Demonstrators was declared to have been satisfactorily completed with effect from the afternoon of 24-7-1952 as per the proceedings of the Director of Public Instruction, Madras RC. No. 1115-C1/51 dated 17--11--1952.

I thus continued to serve in that category to the full satisfaction of my superiors when a prospective employment under the Government of India as Junior Chemical Assistant in the Madras Salt Region was advertised for. Fascinated by the research facilities promised in the said post, I applied for it through the Director of Public Instruction, Madras.

3

I was selected for it and my Appointment Order was passed through the Director of Public Instruction, Madras. While forwarding the same to me through the Principal, Government Arts College, Madras, the Director of Public Instruction in his proceedings RC. No.64-C1/54 dated 18-4-1955 directed the Principal, Government Arts College, Madras to obtain my resignation letter from the post of Demonstrator in Chemistry before relieving me. This new demand shattered my aspirations because I was under the impression that any State Government servant appointed under the Union Government would continue to hold lien in his original post. Quite a number of persons are known to be holding such liens in the State Services while working under the Government of India. I submitted to the Director of Public Instruction that I may be granted lien for two years at least and that I may be relieved. The Director of Public Instruction in his Proceedings RC. No. 64-C1/54 dated 18--5--1955 declined to accede to this request and insisted on my resignation. Overcome by the spur of the moment, I quite unwillingly submitted my resignation on 31--5--1955 and I was relieved on the afternoon of 1--6--1955, the very next day and joined the post of Junior Chemical Assistant under the Union Government.

3 Wisdom dawned on me on the fourth day of my resignation and I realised I had committed a blunder. I immediately rushed to the Deputy Director of Public Instruction (Personnel) and submitted to him in person the circumstances under which I was forced to submit the resignation and prayed for the withdrawal of the same. As per his instructions, I submitted my written request for withdrawal of resignation and reinstatement in service to the Director of Public Instruction through the Principal, Government Arts College, Madras on 6--6--1955. But, unfortunately the Director of Public Instruction in his proceedings RC. 64-C1/54 dated

5

24--6--1955 declined to permit me to withdraw my resignation letter. I subsequently requested the Director of Public Instruction on 23--6--1955 that I may be reinstated even with a break of my 5 years' service. But, quite unfortunately, I was refused even that, vide proceedings of the Director of Public Instruction No.RC. 64-C1/54 dated 3--8--1955.

4 I subsequently left my post in the Central Government owing to my inherent inclination and liking for the teaching profession and requested the Director of Public Instruction to kindly provide me at least as a temporary Demonstrator or a School Assistant. The Director of Public Instruction has now very kindly appointed me under Rule 10(a)(1) of the General Rules for the Madras State and Subordinate Services as a temporary Demonstrator in Chemistry in the Government Arts College, Mangalore vide Proceedings of the Deputy Director of Public Instruction (Personnel) Madras ROC. No. 267-C1/55 dated 6-10-1955 and I joined duty as such on 14--10--1955.

5 I have thus entailed a break in my service from 2-6-1955 to 13-10-1955 besides the technical objection of my resignation letter. My entire past service of 5 years and future prospects now stand marred.

6 I have submitted to the benign Government in the foregoing paras, the unique circumstances under which I was obliged to tender a resignation letter. My own juvenile folly, ignorance and misunderstanding of service rules aggravated by circumstances prevailing then tempted me to submit my resignation letter. I now earnestly request the Government that I may not be penalised for the single folly I committed and I may not be made to repent for it throughout my life. I most sincerely regret for my foolish and hasty action and I pray that I may be excused. I beg to assure that such a thing shall never be repeated.

7 I request the Government with all humility that my case may be sympathetically considered and I may kindly be

permitted to withdraw my resignation letter dated 31-5-1955 and consequent to that the break of my service from 2-6-1955 to 13-10-1955 may kindly be treated as extraordinary leave.

Yours faithfully,

Mangalore,
Dated 16-12-1955.)

E 1

EDUCATION DEPARTMENT

From
The Director of Public Instruction,
Madras.6.

To
The Secretary to Gover
Health, Education & Lo
Administration Departm
Madras (with enclosure

Roc.No.64.C.1/54 Dated 31-12-1955

Sir

948

Sub:-MADRAS EDUCATIONAL SUBORDINATE SERVIC
Sri K.A. John, Officiating temporary Demonstrator in Chemistry, Government Arts College, Mangalore - request for reinstatement in service on a regular basis - petition addressed to Government - Submitted.

Ref:-From the Principal, Govt. Arts College, Mangalore N.Dis.574.A/55, dated 23-12-55.

- - - -

I submit herewith the petition dated 16-12-55 from Sri K.A. John with the following remarks:

Sri K.A. John, formerly officiating Demonstrator in Chemistry in the Madras Educational Subordinate Service and an approved probationer in that category, tendered his resignation of the post as he wanted to join a post under the Government of India. When a Government servant wants to join a post which is not under the State Government he is required to resign the post which he holds under the State Government. Accordingly his resignation was accepted and he was relieved on 1-6-1955 A.N. His requests for reinstatement in service were not complied with. According to Rule 41 of the General Rules for the Madras State and Subordinate Services, a member of a service, shall, if he resigns his appointment, forfeit not only the service rendered by him in the particular post but also all his previous service under the Government and the reappointment of such person to any service shall be treated in the same way as a first appointment to such service by direct recruitment and all rules governing such appointment shall apply.

The demonstrator deliberately chose to resign the job in preference to the expected appointment under the Central Government. There is no paucity of hands now. I may be permitted to point out that a person should not think so lightly of the service conditions and that he should have realised the seriousness of his action in resigning the post held by him. In the circumstances, I am of opinion that there is no ground what so ever for reconsidering the orders passed by me, rejecting his requests for reinstatment in service on a regular basis, to suit the whims and fancies of such people.

3. In this connection I invite attention of Government to their Memorandum No.91374.E.1/55-2 Education, dated 7-12-1955 passing orders on a similar case. Sri K.A. John is at present officiating as temporary Demonstrator in Chemistry in the Government Arts College, Mangalore under Rule 10(a) (i) of the General Rules for the Madras State

P.T.O.

and Subordinate Services.

Yours faithfully,

P.K. Gangadharan 3.1.56.

for DIRECTOR OF PUBLIC INSTRUCTION

C.T. 2.1.56.

1~2) 31.1 Memo. no 9488/[illegible] EA dept. (E) 31.1.56

M.E.S.S. - Sri K.A. John, temply. Demonstrator - Reinstatement in service on a regular basis with retrospective effect.

Ref :- from the D.P.I., no. 64-C1/53, dt- 21.12.55.

p.9 ante

The D.P.I. is requested to offer his remarks on the question of re-appointing Sri K.A. John on a regular basis, i.e., on fresh probation in the category of Demonstrators, with effect from 14.10.55.

para 4, p.5 ante

para 3, p.9 ante

27.1.56.

30.1.56

CENTRAL [illegible] BRANCH

Despatched by [illegible]

Date 31/1 1956 Despatcher's Initials

VERY URGENT F.1

EDUCATION DEPARTMENT

From
The Director of Public Instruction,
Madras.6.

To
The Secretary to Government,
Health, Education & Local
Administration, Department,
Madras.

Roc.No.64.C.1/54 Dated 16-2-1956

Sub:-MADRAS EDUCATIONAL SUBORDINATE SERVICE - Sri K.A. John, Officiating temporary Demonstrator in Chemistry, Govt. Arts College, Mangalore - Reinstatement in service on a regular basis.

Ref:-Govt. Memo No.948.E.1/56-1 Edn dated 31-1-56

I have the honour to state that there is no case for reconsidering the request of Sri K.A. John for reinstatemen in service on regular basis in view of what I have already repo ed to Government in the penultimate para of my letter Rc.64.C.1 dated 31-12-1955. His explanation that he resigned his appoin ment as Demonstrator on account of foolighness forced by certai family difficulties and gave up the post in the Central Govern- ment also owing to his inherent inclination and liking for the teaching profession clearly shows that he is a man without pre- thought and steadymind. Taking pity in his case he was however given a temporary posting as a Demonstrator under 10(a) (i) which itself is a concession shown to him.

I invite attention of the Government to their Memorandum No.91374.E.1/55-2 Education dated 7-2-55 in which orders were passed negativing the request of Sri V.R.Venugopal under similar circumstances.

I may however state that Sri K.A. John may stand a chance if he applies for the post when the next recruitment takes place as he is within age, his date of birth being 25-8-1928.

Yours faithfully,

17.2.56

for Director of Public Instruction

c.t. 16.2.

16.2.56

H.E.L.A. Dept. (E1)

61 1 18-3

M.E.S.S. - Sri K.A. John, Offg. Tempy. Demonstrator in Chemistry, Govt. Arts College, Mangalore - Regularisation of. ~~Appt.~~ — Orders passed

Read:

From Sri K.A. John. petition dated 16-12-56.

From the D.P.I. letters Roc.No.64 C1/54 dated 3-12-55 and 16-2-56.

15

ABSTRACT.

MADRAS EDUCATIONAL SUBORDINATE SERVICE - Sri K.A.John, Officiating Temporary Demonstrator in Chemistry, Government Arts College, Mangalore - Regular appointment - Orders passed.

- -

Health, Education and Local Administration Department.

G.O.Ms.No. 598, Education Dated 28th March 1956

Read the following:-

From Sri K.A.John, petition dated 16-12-1956.
From the Director of Public Instruction, letter Roc.No.64-C.1/54 dated 3-12-1955 and 16-2-1956.

ORDER:-

The request of Sri K.A.John for reinstatement as Demonstator in the Madras Educational Subordinate Service with benefit for past service, cannot be complied with.

2. It is seen that Sri K.A.John is fully qualified for appointment to the category of Demonstators. He has, besides, five years' previous experience is that category. It is stated in the letter of the Director of Public Instruction second cited that Sri John has been re-appointed as Demonstator under General Rule 10(a)(i), in the view that his case deserves pity. As Sri John is qualified and suitable and as his case deserves concessional treatment, the Government consider that he may be regularly appointed even now, with effect from 14th October 1955, the date of his temporary appointment. The Director is requested to have orders issued accordingly.

3. Sri John is referred to the Director of Public Instruction for orders.

(BY ORDER OF THE GOVERNOR)

C.P.GOPALAN NAYAR,
Deputy Secretary to Government.

To
The Director of Public Instruction.
Sri K.A.John, Officiating Temporary Demonstrator, Government Arts College, Mangalore through the Director of Public Instruction (paragraph 3 only)

True copy--Forwarded--By order.

dn31/3. Superintendent.

EDUCATION DEPARTMENT

From
The Director of Public Instruction
Madras.6.

To
The Secretary to Government,
Health, Education & Local
Administration Dept., Madras

DEPUTY SECRETARY TO GOVT. 5792 25 MAY 1956 HEALTH, EDN. & LOCAL ADMN. DEPT.

Roc.No.64.C.1/54 Dated 17-5-1956

Sub:-Madras Educational Subordinate Service - Sri K.A. John, Officiating temporary Demonstrator in Chemistry, Govt. Arts College, Mangalore - Regularisation of temporary appointment.

Ref:- G.O.Ms.No.598. Education dated 28-3-1956.

In my letter Roc.No.64.C.1/54, dated 31-12-1955 to Government I had invited the attention of Government to the fact that as per Rule 41 of the General Rules for the Madras State and Subordinate Services the re-appointment of a person, who has resigned his appointment, will have to be treated in the same way as a first appointment by direct recruitment and all rules governing such appointment will apply. In the case of Sri K.A. John his temporary appointment from 14-10-1955 (under Rule 10(a) (i)) cannot be regularised unless Rule 41 of the General Rules for the Madras State and Subordinate Services is relaxed in his favour by the Government.

For regularisation of the appointment of Sri John, he should apply again as a fresh candidate for recruitment of Tutors or demonstrators, etc. when a notification calling for applications for these categories is published by the Director of Public Instruction and he is regularly selected for appointment. His past service as a demonstrator cannot be reckoned with, as he resigned his post. There are numerous instances of this kind where persons have resigned their posts and asked for reappointment after a break. The rules do not admit of their requests. Their cases can be regularised only after they are recruited directly after advertising for direct recruitment of tutors or demonstrators.

Regularising the appointment of Sri John from 14-10-1955 will create an inconvenient precedent and the concession given in this case will have to be extended to several cases. It will be also against the rules. I request for reconsideration of the above orders.

Yours faithfully,

Mangamayalam 18/5

FOR DIRECTOR OF PUBLIC INSTRUCTION

A.T. 18.5.

18/5

H.E.L.A.Dept.(E4)

Memo No.54992 E1/56-2Edn. dated 14/6/56

Sub:- M.E.S.S. - Sri K.A. John - Offg. Tempy Demonstrator in Chemistry, Govt. Arts College, Mangalore - Regularisation of tempy. appointments.

Ref:- From the D.P.I., Rc.No.64 C1/54 dated 17-5-56.

The Govt. do not see any reason to reconsider their orders in G.O.(Ms) 598 Edn., dated 28-3-56. It is not necessary to relax Rule 41 of the General Rules for the Madras State and Subordinate Services in favour of Sri K.A. John, for regularising his tempy. appointment with effect from 14-10-55. The D.P.I. is requested to give effect to the orders in the said G.O. immediately and report the fact to Govt.

Initials 6.6.56

Note:

ASSISTANT SECRETARY TO GOVERNMENT 2079 8 JUN 1956 HOME SECRETARIAT

20

~~E~~ Pub-(Ser-A) Dept

2079/56

. The draft Memo and the note ~~Memorandum~~ of HELA overleaf may be perused and the file returned to ~~the~~ Dept

E1

R.P. 9/6 9/6/56

11.6.56. H.E. L.A.

A.S.I / HELA.

H.E.L.A. dept. (E,)

Pub (Ser-A) U.O. No. 2079/56-1 dated 11-6-56

The draft overleaf may be issued

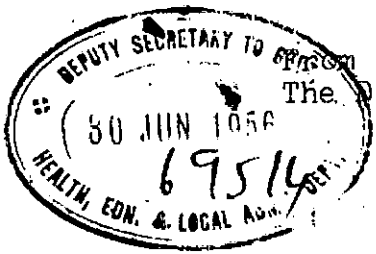
13/6/08

14/6

DEPUTY SECRETARY TO GOVT. 12 JUN 1956 62576 HEALTH, EDN. & LOCAL ADMN. DEPTT.

E1

EDUCATION DEPARTMENT



The Director of Public Instruction
Madras.6.

To
The Secretary to Government,
Health, Education & Local
Administration Dept., Madras.

Roc.64.C.1/54 Dated 25-6-195

Sir,

Sub:-Madras Educational Subordinate Service - Sri K.A. John, Officiating Demonstrator in Chemistry, Govt. Arts College, Mangalore - Regularisation of services.

P1942/(2)

Ref:-Govt. Memo No;54992.E.I/56.2 Education d/ 14-6-56.

With reference to the above I have to state that orders regularising the services of Sri K.A. John with effect from 14-10-55 A.N. are being issued.

Yours faithfully,

27.6.56

FOR DIRECTOR OF PUBLIC INSTRUCTION

w.t. 27.6

27/6.

Old No. C.F. 32 (a), New No. C.F. 7 (a) —1,139,117—27-2-56.

EDN Department

From (Name) The Director of

Designation Public Instruction,

Station MADRAS.6.

Received Registered

To

The Secretary to Government.

Health, Education & Local Administration Department, Madras.

Enclosures: TO GOVERNMENT ASSISTANT SECRETARY 1956 77203

Roc. No. 64.C.1/54 dated 17-7-56 195

Sir,

Sub:- Madras Educational Subordinate Service - Sri K. A John - Offg. Demonstrator in Chemistry, Govt. Arts College, Mangalore - Payment of vacation salary - orders requesting

Ref:-From the Principal, Govt. Arts College, Mangalore Rc.97.A/56, dated 10-7-56.

In enclosing a copy of the letter cited I request you o let me know whether Sri K.A. John, Officiating Demonstrator in Chemistry, Government Arts College, Mangalore is ligible for full vacation salary for the summer vacation f 1956. His services were regularised with effect from 4-10-55 as per G.O.Ms.No.598 Education dated 28-3-1956.

Yours faithfully,

t.20.7. for Director of Public Instruction

Copy of the letter from the Lecturer in Charge, Govt. Arts College, Mangalore to the Director of Public Instruction Madras Rc.No.97.A/56 Dated 10-7-56.

Sub:-Madras Educational Subordinate Service - Sri K.A. John, Offg. Demonstrator in Chemistry - payment of vacation salary - orders requested

Ref:-Your Progs. Roo.No.64.C.1/54, dated 25-6-56.

Sri K.A. John, Officiating Demonstrator in Chemistry was ppointed temporarily under Rule 10(a) (i) of the General ules in Deputy Director's Procgs. Roc.No.267.C.1/55, dated -10-55. He joined duty on the forenoon of 14-10-1955. He ad therefore not put in six months teaching service at the ime of closure of the College for summer vacation on 2-4-56 nd hence was not eligible for the vacation salary with eference to Govt. Memo No.60947/53, EI-2Edn dated 22-3-54. he services of the Demonstrator were subsequently regulaised with retrospective effect from 14-10-1955 forenoon in irector's Procgs.Roc.No.64.C.1/54, dated 25-6-56. In the ircumstances, I request you to kindly inform me whether full acation salary could be paid to the Demonstrator, as the rders issued in Govt. Memo No.60947/53.EI.2 Edn dated 22-3-5 ommunicated in Director's Progs. Roc.No.1691.C.3/49, ated 29-3-54 relate only to persons appointed temporarily n the service.

/true copy/

.t.20.7.

20/7/56

2/2 FOR DIRECTOR OF PUBLIC INSTRUCTION

HEAD(Ed)

The G.O and the Memo ref to on the previous pages are put up in another file enclosed separately. They may kindly be over till 10.8.96

7837

H.E.L.A. Dept.(El)

Memo No.77203 E1/56-1 Edn. dated 10-9-56

Sub:- M.E.S.S. - Sri K.A. John, Offg. Demonstrator in Chemistry, Govt. Arts College, Mangalore - Payment of vacation salary.

Ref:- From the D.P.I., Roc.No. 64 C1/54 dated 17-7-1956.

The D.P.I. is informed that at the time of issue of G.O.No.598-Edn., dated 28-8-56, no financial concession in the form of arrears or back pay was contemplated. If necy., the Dir. is requested to make a specific recommendation in the matter, with reasons in support of the recommendation.

VR 8-9-56

CENTRAL DEPARTMENT ... Despatched by ... Receiving Clerk / Messenger ... Despatcher's Initials

To the D.P.I.

7-9-56

H.E.L.A. (El) Dept.

Conv. 9488/S

From the D.P.I. No. ~~Ot~~-C1/54 dated 16-2-1956.

I.E.S.S. - Sri K.A. John, Tempy. Demonstrator request for re-instatement in service on a regular basis.

Sri K.A. John served as Demonstrator in Chemistry in the M.E.S.S. on a regular basis from 23-7-50 to 1-6-1955. In 1955, he applied thro' the D.P.I., for a Central Govt. job in the Salt Dept. When the order of appointment was received, the D.P.I. wanted Sri John to resign the Demonstrator's post. Sri John accordingly submitted his resignation. He later left the Central Govt. appointment and asked the D.P.I. to re-instate him as Demonstrator, treating his absence as break. His request was turned down. On his asking for atleast a tempy. appointment, the Director appointed him as Demonstrator under the emergency provision from 14-10-55.

that, in the Dir.'s opinion, the case shd. be given some sympathetic treatment. The emergency provisions [General Rule 10(a)(i)] exist in the rules to be invoked when candidates are not immediately available for regular appt. in accordance with the rules. Those provns. cannot be resorted to for the purpose of conferring 'concessions' in cases of this type. When it is admitted that Sri John deserves a concessional treatment, and when he is fully qualified and suitable and has five years' previous expce., the proper method to show him concession seems to be appoint him regularly on fresh probation. It may not be ~~fairxtoxhim~~ correct to appoint him only on an emergency footing, and continue him on that basis, until the Dy.D.P.I.(Per.), the appointing authority, calls for applns. for regular appointments next time. In the circs., it is for orders whether the D.P.I. may be asked to have Sri John regularly apptd. even now, w.e.f. the date of his tempy. appt.

p. 69, Blk. II

1.3.56.

Pub.(Ser.) may see for remarks.

9/2/56

The appointment of Sri John may be regularised without the benefit of his past service. There is no need to keep him under the emergency provisions when he is qualified for regular appointment.

Z

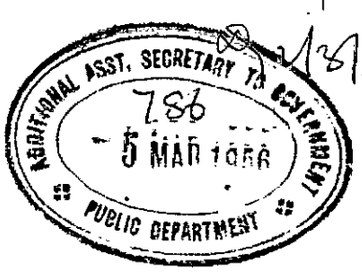
CPS 2/3/56

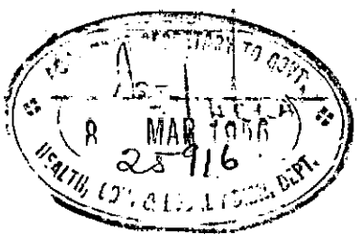
ADS 1-3-56

Pub(Ser)

HERA Dept's no. M. 9488/56-24

2/3/56.

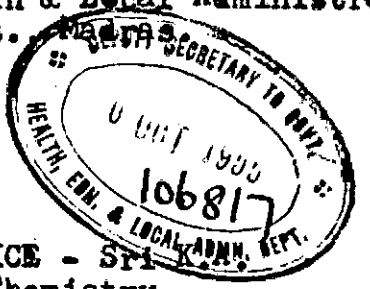



MAR 1966
25916

EDUCATION DEPARTMENT

From
The Director of Public Instruction.
Madras.6.

To
The Secretary to Government,
Health, Edn & Local Administration Dept., Madras.



Roc.64.C.1/54 Dated 28-9-56

Si.,

Sub:-MADRAS EDUCATIONAL SUBORDINATE SERVICE - Sri K.A. John, Officiating Demonstrator in Chemistry, Govt. Arts College, Mangalore - Payment of vacation salary for 1956

Ref:-Govt. Memo No.77203.E.1/56.I Edn d/ 10-9-56.

With reference to the above I have the honour to state as follows:-

Since Sri K.A. John's services have been regularised as a Demonstrator from 14-10-55 and as he became a probationer in that post from 14-10-55, he is entitled to vacation salary (1955-56), as he continued in service without break since 14-10-55. He is no longer a candidate appointed under Rule 10(a) (i) of the General Rules for the Madras State & Subordinate Services and the rule regarding six months service in the academic year immediatel preceding the date of closure of the academic year to become eligible for vacation salary does not operate in his case.

In the circumstances stated above I am asking the Principa Government Arts College, Mangalore to draw and disburse the vaca tion salary for 1955-56 to the Demonstrator.

Yours faithfully,

FOR DIRECTOR OF PUBLIC INSTRUCTIO